### SPITZER TO ATLANTA, 2 YEARS

TRUST DESERTED AND SACRI-FICED ME. HE SAYS.

Trial of Sugar Secretary Helke's Immu nity Plea Opens as the SAR a Week pack Superintendent Starts South It May Be Taken From the Jury.

other Spitzer, who was dock superintendent of the sugar trust in the Havemevers & Elder refinery and who was convicted last December of complicity the sugar weighing frauds, was sentenced yesterday by Judge Martin in the United States Circuit Court to serve two years in the Federal prison at Atlanta, Ga. He was started for Atlanta at once, but not until he had given out this statement in United States Marshal

My hurried departure for Atlanta to-day was made at my own behest. I sidn't want to take any chances-though consider such chances remote-of finding myself in the position Mr. Morse was placed in. You will remember that right after sentence was pronounced on Morse his counsel got various stays at various times. In the end, however, the courts upheld his sentence and he was obliged to go to prison. The stays secured for Morse kept him in the Tombs here something like a year and a half. and when finally he had to ago to jail he found that he had practically lost that time, because under the law the time spent in the Tombs could not be deducted from his sentence, he himself having been responsible for the delay the carrying out of the sentence.

"As I stand upon the prison threshold to-day I find myself absolutely deserted by the sugar trust. They deserted me when I was arrested and they desert me And this after having served the rust faithfully for twenty-nine years. it was in 1880 that I first went to work or the trust as a boy and finally I rose Reports have fixed my salary at ridicufact. I actually received but \$55 a week. Of course my counsel will fight this

Supreme Court if necessary. I contend that the verdict against me was irregular and contrary to the evidence. I never was directly connected with any wrongdoing, or even indirectly, for that matter As for the steel springs and holes alleged to have been found in the scales, I never knew anything of them.

"The truth of this whole matter is that the Government cried for a victim and the trust sacrificed me and the four poor \$18 a week checkers who are now serving a year on Blackwell's Island.

a year on Blackwell's Island."

Appeals in the cases of the checkers are now pending and an appeal will at once be taken on behalf of Spitzer.

As soon as sentence had been pronounced on Spitzer Judge Martin opened court for the triat of Charles R. Heike, secretary of the American Sugar Refining Company of New Jersey and secretary and treasurer of the New York company. Heike was indicted on charges of defrauding the Government out of customs duties on sugar and of overt acts in signing on the conspiracy charge is complicated by the plea of his counsel, John B. Stanchfield, and George S. Graham, that their client should be immune from prosecution because he had given before the Federal Grand Jury the evidence upon which he was indicted.

This plea of immunity was made originally before Judge Martin when heike was indicted last month. At that time Mr. Stanchfield pointed out that Heike had appeared before the June Grand Jury which indicted the directors of the sugar company in the Pennsylvania sugar refinery case and again when the special investigation was undertaken by the Grand Jury in December and January, and at those times had given evidence and produced books of his company which formed the basis for the present indictment. At that time Judge Martin decided that the fact was one for a jury to pass upon. The situation as presented in Mr. Stanchfield's contention is a novel in Mr. Stanchfield's contention is a novel the proceedings against the beef trust because of a conversation between one of the indicted men and Mr. Garfield, the prosecuting officer, an indictment was dismissed before the jury had heard the

Henry L. Stimson, the special prosecutor for the Government in the sugar cases, filed a replication to Heike's immunity plea, denying that Heike had testified or produced any documents concerning the transactions with which he is charged in the indictment. This raised an issue of fact for the jury.

Mr. Stimson has also declared it to be his position that if the jury should find that Heike had not received immunity the Government would move for the imposition of sentence on the conspiracy charge on the ground that a plea of immunity is a confession of guilt. Judge Martin has decided that after raising the issue of immunity Heike has no right to plead anew in case he is not sustained.

plead anew in case he is not sustained.

The result of all this is that Heike's case is not proceeding as a trial for conspiracy to defraud the Government but rather as a trial of the question of im-

After the jury box had been filled yes-terday and before the jurors had finally been accepted Mr. Stimson, who with his two assistants, Winfred T. Denison his two assistants, wintred T. Denison and Felix Frankfurter, appeared for the Government, told the jurors that Heike had never been questioned before the Federal Grand Jury on any issue charged against him in the indictment. The inquiry at which Heike testified was an independent investigation conducted by ndependent investigation conducted by Inited States District Attorney Wise, with which he, Stimson, had no connec-tion. The investigation had to do with tion. The investigation had to do with an inquiry as to whether the sugar tsust was a combination in restraint of trade. When Mr. Stimson had finished Mr. Stanchfield asked for permission to proceed, on the assumption that his client was charged with a felony rather than a misdemeanor, and to challenge accordingly. The Court refused to sustain Mr. Stanchfield, who then asked to have stricken from the record Mr. Stimson's replication to the immunity plea, on the ground that the replication should have been signed by District Attorney Wise. This motion, too, was called, and Mr. Stanchfield then outlined his case on the immunity plea, reading the law on that Stanchfield then outlined his case on the immunity plea, reading the law on that roint and also the Fifth Amendment of the Constitution to the effect that no person shall be compelled in any criminal case to be a witness against himself. Then Mr. Stanchfield called Heike to the stand. The witness said that he was 65 years old, that he came to this country in 1856 and that he had worked for Henry Clews from 1866 to 1873, when ountry in 1856 and that he had or Henry Clews from 1868 to 1873, when husiness. He he went into the sugar business. He testified to his various appearances before the Federal Grand Jury and identified the subposnas served upon him. All his was admitted by Mr. Stimson, and Stanchfield remarked:

It will be found that there is no disresolve itself into a plain question Il resolve itself into a plain question law." Mr. Heike went on to tell of the records of the sugar trust which he had furnished the Grand Jury and of his samination by United States District thorney Wise in regard to the organization and holdings of the American Sugar Leining Company. He was questioned the Grand Jury room about the production of sugar by the company, and supplied figures showing what each company of the trust could produce and what raw sugar each handled.

These records were shown to the jury of the trust could produce and exhibits. Mr. Stanchfield expects that he will be able to show that it was begely from these records of raw sugar that the Government agents were able to

### **OPEN TO-MORROW**

By special request our Exhibition of

# **Early English Masters**

Will be open to the public to-morrow Saturday, from 10 to 5 P. M.

# EHRICH GALLERIES

Fifth Avenue and 40th Street.

to figure out a discrepancy between the amount of sugar imported and that upon which duty was paid and so to bring about the indictment of Heike.

Practically all the evidence introduced at yesterday's hearing was admitted without comment by the prosecution and at the close of the day Mr. Stanchfield was more than ever convinced that there would be no disagreement as to the facts.

"I learned

was more than ever convinced that there would be no disagreement as to the facts. In the event of this being true Mr. Stanchfield will move that the Court decide on the questions of law without submitting the case to the jury. If the decision should be favorable to Heike he would go free, while if the decision should be adverse he would be released on bail pending a long period of appeals. The day's session closed with Mr. Heike still on the stand. It will be resumed this morning, and it is likely that the trial will proceed on Lincoln's Birthday, as Judge Martin is anxious to hurry the trial. In dismissing the jury for the day Judge Martin warned them against discussing the case and ordered them to report to him any one who persisted in questioning them about it.

### BIG COURT HOUSE THIS TIME. the North Side of City Hall Park

Courts May Sit in Armories. After a public hearing yesterday on the bill passed by the Legislature authorizing the city to occupy as much space in the City Hall Park as is requisite to to the position of dock superintendent. put up a building of sufficient size to accommodate the Supreme Court Mayor ously high figures, when, as a matter of Gayner let it be known that he will sign the bill. Morgan J. O'Brien, Edward M. Grout and L. Laffin Kellogg, the members case to the last ditch, carrying it to the of the Mayor's commission as well as several Justices of the Supreme Court spoke in favor of the bill, while the only bjection was voiced by Albert E. Henschel, who urged that the park space should not be further encroached upon.

If Mayor Gaynor's views are carried out the building will be extended along the north side of the park from Broadway to Centre street. The Mayor thinks that a building of that size is needed and he hopes that work on the new building will be begun next summer and completed in eighteen months.

be begun next summer and completed in eighteen months.

Once the plans have been agreed upon by the Court House Commission and Borough President McAneny and approved by the Municipal Art Commission the Board of Estimate, the Mayor says, will appropriate the money for the building as fast as it can be spent.

The Mayor said yesterday when he was asked what provision would be made for the Supreme Court while the new building was being constructed that he thought that the emergency might best be met by using the armories.

t by using the armori

#### BLOCKING WATERSHED AWARDS. Justice Tomokins Sets Aside Another Report of Cammissioners.

WHITE PLAINS, Feb. 10. - Supreme Court Justice Tompkins to-day set aside a fourth report of commissioners on water-

fourth report of commissioners on watershed awards because they made allowances on parcel 5, section 1 of the Hill View reservoir proceedings by lots instead of by the acreage. If the decisions are upheld they will mean a big saving to the city of New York.

Judge Tompkins in his decision in reference to parcel 5 says:

"I can find no evidence that justified the commissioners in finding that the property at the time the city required it was marketable as lot property. While the claimants had a right to show that the property might be subdivided and in time become valuable as lot property, yet it was the market value at the time it was taken by the city that the claimants had a cight to show that the property might be subdivided and in time become valuable as lot property, yet it was the market value at the time it was taken by the city that the claimant had a right to show that the property might be subdivided and in time become valuable as lot property, yet it was the market value at the time it was taken by the city that the claimant had a right to show that the property might be subdivided and in time become valuable as lot property, yet it was the market value at the time it was taken by the city that the claimant had a right to show that the property might be subdivided and in time become valuable as lot property, yet it was the market value at the time it was taken by the city that the claimant had a right to show that the property might be subdivided and in time become valuable as lot property, yet it was the market value at the time it was taken by the city that the claimant had a right to show that the property might be subdivided and in time become valuable as lot property, yet it was the market value at the time it was taken by the city that the claimant had a right to show that the property might be subdivided and in time the city that the claimant had a right to show that the property might be subdivided and in time the city that the claimant had a right to show that the property might be subdivide property might be subdivided and in time become valuable as lot property, yet it was the market value at the time it was taken by the city that the claimant was entitled to be awarded and not what it

may be a demand and a market for the lots into which it is then subdivided."

Justice Tompkins sets forth that the photographs of the land show it to be all covered with trees, brush and boulders.

### Little Ticket Speculators and Big. The Aldermen's committee on laws and legislation gave a hearing yesterday

on the ordinance introduced by Dowling, the Tammany leader of the board, imposing upon ticket speculators a license fee of \$500 and a \$2,000 bond. The fight as it is annually, is between the big men in the business who want a high license fee to freeze out the smaller men and the little speculators who don't want it. The small speculators have many friends among the Tammany Aldermen and the Dowling ordinance is not likely to pass.

\$1,132,000 for Three New Schools Comptreller Prendergast will ask the Board of Estimate to-day appropriate \$1,132,000 for three new chool buildings in Brooklyn and one in Manhattan. He will point out that while about 20 per cent. of the scholars in the city are on part time not a single new school building is being erected and no

Feb. 11.- In the Mississippi Valley and over all the country eastward except eastern New England it was colder pesterday. Freezing weather covered the middle Atlantic States, the western parts of the south Atlantic States, and the northern parts of the Gulf States. It was considerably colder in the lake regious and it was below zero in the upper. Mississippi Valley and in parts of the Dakotas.

The disturbance evident in this section on Wednesday was central over northern Maine in the morning and was followed by a high pressure which covered all the interior of the country. Italia fell in Oregon, and there were a lew scattered snow flurries in the Northwest. Snow was quite general but light in the lake regions and there were a few flurries in the middle Atlantic States. From the Mississippi Valley west to the Rocky Mountains it was warmer.

Mountains it was warmer. In this city the day was generally fair, with

The temperature yesterday, as recorded by the official thermometer, is shown in the annexed

Table: 1910, 1600, 19 A. M. 33° 52° 6 P. M. 33° 12 M. 33° 57° 9 P. M. 33° 3 P. M. 33° 41° 12 Mid. 3 Lowest temperature, 29°, at 9 P. M. WASHINGTON FORECAST FOR TO-DAY AND TO

For eastern New York, eastern Pennsylvania and New Jersey, fair to-day; snow to-morrow; moderate northerly winds, becoming northeasterly. Por New England, fair to-day; locreasing ate northerly winds, shifting to northeasterly.

For the District of Columbia, Maryland and Delaware, fair to-day, followed by increasing cloudiness and rain or enew to-night or to-morrow; moderate northerly winds, shifting to north-

### MAYOR ACCUSES 2 POLICEMEN

OF ASSAULTING A WOMAN IN A BARBER SHOP.

Orders Baker to Suspend and Try Suspects and Says Rumans on the Police Force Must Be Got Rid Of-Walsh and Cray Must Do Some Explaining.

After receiving the report of Commissioner of Accounts Fosdick, whom he had ordered to investigate a report that a woman had been mistreated by two policemen in an East Thirty-fourth street barber shop, Mayor Gaynor wrote yesterday to Police Commissioner Baker ordering the suspension and speedy trial of the men under suspicion. He also ordered Inspector Walsh and Capt. Cary of the East Thirty-fifth street station to appear before him this morning at

7The letter to Commissioner Baker

"I learned several days ago of an alleged abuse of a woman by policemen in the rear room of the barber shop at 404 East Thirty-fourth street on January 27 last. I have caused a careful investigation of the matter to be made and find that the charge is true in respect of Officer Harry G. Weitzel of the Traffic Squad and also of a patrolman who is probably John W. Grove. Weitzel openly took the woman from the street to the room and plied her with whiskey and assaulted her. The other officer came in and assaulted her after Weitzel went out. I am informed that two other officers in the neighborhood were informed by

citizens of what was occurring, but finding on their arrival that the culprits were two policemen they did nothing. Let Weitzel and Grove be suspended and tried forthwith. We must get rid of all ruffians on the police force. Also please ascertain and report to me who the other two policemen were. Let the captain of that precinct and also the inspector of that district come before me to-morrow. The whole disgraceful affair occurred so openly and is so notorious in the neighborhood that it is incredible that the neighborhood that it is incredible that the eaptain and inspector should not have learned of it in the exercise of ordinary attention. It was certainly easier for them than for you and me to learn of it. I enclose the report of Mr. Fosdick on the case. The testimony taken is also at your disposal but is too vulgar and shocking to be made public."

The report made by Mr. Fosdick to the Mayor was accompanied by voluminous notes of the investigation. The report

reads in part: "On January January 27, 1910, at about ten min-

"On January 27, 1910, at about ten minutes before 1 o'clock in the afternoon, Officer Harry G. Weitzel of the traffic squad, whose post is at Thirty-fourth street and First avenue, took a well dressed woman into an Italian barber shop at 40 East Thirty-fourth street.

"According to the testimony of the two barbers who were in the shop and of Weitzel himself, the woman was slightly under the influence of liquor. Weitzel insists that while he was on duty he directed her to the barber shop, at her request, for the purpose of obtaining a massage, and that when he entered the shop at the beginning of his noon hour she followed him in. Both barbers, however, testified to the fact that the officer himself brought the woman in. Their testimony was corroborated by Ameno Agalo, a bootblack, whose stand is in front of the barber shop.

"It appears that upon entering the shop."

barber shop. barber shop.

"It appears that upon entering the shop Weitzel and the woman went into a little unfurnished room back of the barber shop. After being in the back room two or three minutes the officer asked the barber. John Moretto, to go and get him a bottle of whiskey.

"It expenses from the testimony of both

"Grove denied all knowledge of the affair. The very positive testimony of Marendeno and Moretto, however, makes

Marendeno and Moretto, however, makes the truth of his statement extremely doubtful. Indeed, I am strongly of the impression that Officer Grove perjured himself in his testimony before me.

"As far as Officers Weitzel and Grove are concerned there would appear to be no question as to the necessity for immediate action by the Police Commissioner."

As soon as Mr. Baker got the letter from Mayor Gaynor he went to the City Hall and was closeted with the Mayor for a long time. When he came out of the conference he said:

ence he said:

"I have been talking over police matters with the Mayor; there is nothing that I can tell you." He did say, however, that the men had been suspended, but would not be placed on trial until some time next week, because it would take some time to formulate the charges against them and formulate the charges against them and they would have two days in which to make their answer. Commissioner Baker will not be before

the Mayor this morning when Walsh and Cray report. He is going on a vacation for a week or ten days, because he had little or no vacation lest summer. He asked the Mayor to let him off several days before the present police scandal was brought to the Mayor's attention.

### RELUCTANT COMPLAINANT.

Police Give Him Uncoveted Opportunities to Make Good His Charge.

James J. Hughes, a stevedore. 26 years old, of 232 Degraw street, appeared shortly after 2 o'clock yesterday morning, 116th street. at the Hamilton avenue police station in Brooklyn with a cut lip and a bruised nose. He told Lieut. Reifert that he got off a crosstown car near the police station at the same time that a woman passenge alighted, that the woman spoke to a group of policemen on the sidewalk and that one of the cops came up and hit him with

his fist.
The lieutenant told Hughes to be at The lieutenant told Hughes to be at the station when the platoons were changed in the morning and try to pick out his assailant. Hughes did not appear. Acting Captain McEiroy sent for Hughes, and the latter sent back a slip saying that he didn't want to press his complaint. By order of Inspector Dillon McEiroy took Hughes to headquarters, where he told about the same story he told when he first appeared at the police station. In the evening Hughes went to the station and saw the policemen, but did not identify any one of them as his assailant.

Neighbors of Hughes said last night that he had admitted that he got his hurts in a barroom in Amity street.

in a barroom in Amity street.

The case is likely to be turned over to the District Attorney.

THEATRE COP LOCK ED UP. Man Who Was Thumped Says He Was the

Louis Levine, a special policeman attached to the Liberty Theatre, at Liberty and Stone avenues, Brooklyn. was arrested last night and locked up in the Brownsville police station charged with assaulting Max Applebaum of 817 Sackman street.

KILLED IN THEATRE ELEVATOR.

Girl Tried to Run It and Jumped When

Reba Melvin, 15 years old, who lived at 2492 Eighth avenue, was instantly killed in an elevator in the Alhambra Theatre, at 126th street and Seventh avenue, yes

terday afternoon. Miss Melvin, with Alice Millman of 2474 Eighth avenue, Helen Lindar of 110 West 143d street, Martha Toole of 301 Wes 139th street and Olina Mayo of 312 West 143d street, was playing near the stage entrance to the theatre, at 200 West 126th street. There is an elevator in this entrance, and during the time that the girls were playing there William Menitz the elevator boy, was inside the theatre.

Reba Melvin dared the other girls to get on the elevator with her and take a ride. The girls declined, and she got on by herself and started the elevator. It ran to the roof, six floors up, where it his a beam and started down again. girl became frightened when she found she could not stop the elevator and tried to jump off at the fifth floor.

She missed the landing, and her body was caught between the elevator and the side wall. Her head struck the wall and was crushed between it and the ele-

of the elevator before the girl's body could be released. William Menitz was arrested and locked up in the West 125th street station house

#### CALLED TO DEFEND HIS GUEST Lawyer Surprised When Woman Visiting Him Is Accused of Shoplifting.

charged with criminal negligence.

A young woman who gave the name of Martha Martin was arrested in a Broadway department store yesterday charged with taking goods valued at \$7.13. When she was arraigned in the Jefferson Market court Albert S. Oglesby, a lawyer of 49 Chambers street, appeared in her behalf and at his request Magistrate Cornell paroled Miss Martin until this morning. She will waive examination and give \$500 bail for her appearance in Special Ses-

Mr. Oglesby told the Court. "This young lady has been a visitor at my home in Tuckahoe for some little time and came down to the city with me this morning. was dumfounded when I received telephone message to the effect that she had been arrested. Of course I am not familiar as yet with the facts of the case, and your Honor will appreciate the deli cacy of my situation, but I cannot imagine that the charge is true."

'Magistrate Cornell remarked that as rule the cases against shoplifters are very strong, and while he was willing to parole Miss Martin till this morning in order to give bail he would be obliged to ask for a \$500 bond at that time

### PERHAPS HE DIDN'T REFORM. Paroled Prisoner Carried a Revolver

Sergt. Grant Williams of the East Iwenty-second street station house is detailed to the New York State Prison Association headquarters at 135 East Fifteenth street. Last evening he was sitting there alone when James Farrell, who says he is living at 214 East Thirty-sixth street, came in to make his regular monthly report. Farrell was discharged on parole from the Elmira Reformatory late last year.

"How are you getting along?" asked the sergeant.

sergeant.

"Fine!" was the confident response.

"I'm working as a bricklayer and I've saved up \$18 since I've been out."

The sergeant happened to have made some investigations concerning him, how-eyer, and he knew that this was not exactly true, so he walked out from behind the desk. As he approached Farrell he noticed that the latter was reaching for his back pocket. He pinned Farrell against the wall and after a struggle took

Farrell was locked up in the West Twenty-second street station house on a charge of carrying concealed weapons.

# HELD AS WIFE POISONER.

from him five or six days before Mrs. Lustig died. Two days later, he said. Lustig came to the drug store at 5 o'clock in the morning, put his hand on a bottle in the morning, put his hand on a bottle of strychnine solution and asked for some The witness said that Lustig when told to get a prescripton replied that it was too early to reach a physician and that he wanted it for his sick wife. Later in the day a bottle of strychnine tablets was missing and could not be accounted for. A deputy superintendent of the Metropolitan Life Insurance Company testified to the issuance of a policy of \$500 on the woman's life in which Lustig was beneficiary. Policies amounting to \$3,000 were issued, but the other agents were not put on the stand.

not put on the stand.

Lustig formerly conducted a detective agency in Harlem. He lived at 14 East

### COMMUTER LOSES SUIT. Picket Dida't Permit Stopover Even to

See Col. Roesevelt Off. Judge William H. Speer of the Hudson County Circuit Court, Jersey City, handed down a decision yesterday in the suit brought by Frederick N. Le Baron of East Orange against the Delaware, Lackawanna and Western Railroad and

the Hoboken Ferry Company.

Mr. Le Baron started for New York on March 23. 1909, via the Lackawanna on his monthly commutation ticket and stopped off at Hoboken to see Col. Roosevelt depart on his African hunting trip. He later presented his ticket at the ferry-house and declared that it entitled him to a passage across the river. Gatemen disputed his contention and he was assulted in the mixup; hence his suit. Judge Speer held that when the plaintiff interrupted his passage and stopped over he was not entitled to across the ferry on the commutation ticket and consequently the defendant was entitled to resist his passage and is not responsible for the assault. on March 23, 1909, via the Lackawanna

Mayor to Have an Assistant Secretary.

Mayor Gaynor will ask the Board of Estimate to-day to fix the salary of William B. Meloney, his new executive secretary, at \$4,000 a year. This is a \$2,000 reduction. At the same time the Mayor will ask that the post of executive clerk be abolished. The salary paid to the present holder of this job is 11,050 a year, and in place of it the Mayor will suggest that the saving of this salary and that on the reduction in the salary of the executive secretary shall be de-Mayor to Have an Assistant Secretary. William B. Meloney, his new executive secretary, at \$4,000 a year. This is a \$2,000 reduction. 'At the same time the Delaware, fair to-day, followed by increasing cloudiness and rain or snow to-night or to-morrow; moderate northerly winds, shiffing to northeasterly and increasing.

For western New York, fair and continued cold to-day; snow to-morrow; warlable winds. Decoming moderate northeasterly.

For western Pennsylvania, increasing cloudiness to-day, followed by snow by night; snow to-morrow; moderate variable winds, becoming an office of assistant some moderate variable winds, becoming an office of assistant seach other at the station house.

Applebaum says that Levine ran out of the present holder of this job is the proposed of the Mayor will suggest that the saving of the salary and that on the reduction in the salary and that on the redu Mayor will ask that the post of

FASY come, easy go! Most any road brings your client right to the Marbridge. Offices to let.

The MARBRIDGE Broadway, 34th & 35th Streets. Representative on premises. Or your own broker.

## AMERICANS IN FLORENCE.

Oliver D. Grover Talks of the Painter's Life in Italy:

Oliver Dennett Grover, an American portrait and landscape painter who has made his home in Florence for three years, arrived from Europe yesterday and s at the Hotel Wolcott for a few days on his way to Chicago.

"I have been more or less identified with Florence for the last twenty-five years," said Mr. Grover, "though I do a great deal of work in Venice. I have seen a great many changes in the American colony there. One of the greatest es recently has been that of George De Forest Brush, who has come back to live in Dublin, N. H. Then Rolshoven. the portrait painter, is in New York now. after having painted the daughters of Lord Cobham in England. William M. Chase has come to be a summer member of the colony during the last few

used to have a school there, but it was

gradually dropped. The local Italian classes are not thought well of.

"One of the most important things that has happened in Florence recently is the putting of steam heat in the Uffizi and Pitti galleries. Now it is possible to go into them in winter. Such a visit treed to make the possible to go into them in winter. to go into them in winter. Such a visit used to mean sure pneumonia. Oh yes, some of us are introducing steam heat and hot water into private residences and it makes an old villa or palace a lot more endurable as a place of residence. "When I first went to Florence it was with the old so-called Duveneck school. Frank Duveneck was the head of it, and we removed from Munich. Joe De Camp of Boston was in it, and so was John W. Alexander Ross Turner was another, and there was also J. W. Twachtman, who died a couple of years ago.

"This has been rather a lively winter in Florence, and it has been good fun. The authorities of the galleries have had a great task in taking care of and preserving the old paintings—sometimes restoring the part of the galleries have had a great task in taking care of and preserving the old paintings—sometimes restoring the part of the galleries have had a great task in taking care of and preserving the old paintings—sometimes restoring the later of the galleries have had a great task in taking care of and preserving the old paintings—sometimes restoring the later of the galleries have had a great task in taking care of and preserving the old paintings—sometimes restoring the later of the galleries and the galleries have had a great task in taking care of and preserving the old paintings—sometimes restoring the galleries and the galleries have had a great task in taking care of and preserving the old paintings—sometimes restoring the galleries and the gallerie

ing the old paintings—sometimes restor-ing them as they called it. Well, a lot of the artists thought that by the method of restoration employed many valuable paintings had been ruined. There was an active campaign, with mass meeting of the Italian artists, and the latter succeeded in having some of the 'restorers

ceeded in having some of the 'restorers' sent away.

"They have recently added many portraits of prominent artists by themselves to the Uffizi. Sargent and Chase have sent in their own portraits by invitation. There are now several hundred of these portraits, the subjects being most of the great artists of the last 300 or 400 years.

"Florence is more of a place in which to work quietly and to find one's self than an active place. I regard it as my studio and a place where I can paint and be quiet. One cannot stay there too long or he would go to seed. The coterie it gets together makes its own life. There are more Americans there that are not gets together makes its own life. There are more Americans there that are not artists than are such. I suppose the English, American and Russian colony—it is all one and the individuals single—contains about 3,000. At a guess I should say one-half of these are English, and of the remainder two-thirds are American. Of the last there are many who have left active business or professional life and who are interested in literature, art or music and love living in the Itslian way. music and love living in the Italian way There are few young people among them

### SUSAN DE P. LIVINGSTON DEAD. Had Lived for \$4 Years in a House on Lower Fifth Avenue.

Susan de Peyster, widow of Robert of a card. from him a loaded revolver. A gold Edward Livingston, died at her home at watch, a lady's gold string neoklace, a 271 Fifth avenue yesterday. Mrs. Livof gold and other trinkets were found in ingston was born in this city on April 11. 1823 and since her marriage fifty-four years ago she had always lived in the house in which she died. She was the daughter of Frederick F. de Peyster. She was married at 271 Fifth avenue, for the defence. Coroner's Jury Accuses Maurice Lusting of Murder.

An inquest jury in Coroner Feinberg's court decided yesterday that Rhoda Irene Lusting died on October 28 last from strychnine poison, probably administered by her husband, Maurice Lusting Lusting was sent to the Tombs to await the action of the Grand Jury.

Samuel Finegold, a clerk in a drug store at 116th street and Madison avenue, testinged that Lusting tried to get strychinne from him five or six days before Mrs. Livingston spent her summers in the old Claremont Manor house, which was then in the country and part of the Livingston estate. then the home of her aunt. Mrs. Jona-

Livingston estate.
She is survived by Catherine G. Livingston, a daughter, and Edward de Peyster and Goodhue Livingston, sons. Robert Edward Livingston died

### Obituary Notes.

Capt. Alexander Sharp, U.S.N., president of the board of inspection for shore stations, died at the Naval Medical School Hospital in Washington yesterday morning of a complication of diseases following an attack of typhoid fever. He was 55 years old. Capt. Sharp was naval aide to Col. Theodore Roosevelt when Roosevelt was Assistant Secretary of the Navy. During the Spanish war he commanded the gunboat Vixen, which participated in the battle of Santiago. Capt. Sharp was born in White Haven. Mo., on November 8, 1855, and entered the naval service as a midshipman on June 21, 1870. He was promoted to ensign on July 18, 1876; to Master (later changed to Lieutenant, Junior grade) on April 8, 1882; to Lieutenant on March 15, 1889, serving in the last named grade in command of the U.S. S. Vixen during the Spanish-American war, being later advanced five numbers in grade for eminent and conspicuous service while engaged upon that duty. He was promoted to Lieutenant-Commander on March 3, 1899, serving in that grade on the U.S. S. Hartford from October, 1899, to August 1, 1991; on special duty in the Navy Department September to November, 1901; as executive of the U.S. S. Hartford December, 1901; as secutive of the U.S. S. Hartford December, 1901; as executive on February 4, 1904; duty at Naval War College from August 2, 1904, to September 24, 1904; in command of U.S. S. Chattanooga September 27, 1904, to November 13, 1905; on duty at navy yard, Washington, February 1, 1907, to April 30, 1908; was promoted to Captain on April 23, 1908; served in command of the United States battleship Virginia from May 15, 1908; to January 8, 1910. Under the time of his death: The funeral will take place from the United States Naval Medical School to-morrow with full miliary honors. The funeral secont will be three companies of sailors, three companies of marines and the Marine Band.

Solomou May died yesterday morning of paralysis after a long Illness at his home, 571 Jefferson avenue. Brooklyn. in his

daughters.
Assistant Collector of Revenue Charles-Holland of Hoboken died yesterday of intestinal trouble at his home, 303 Hudson strees, that city, at the age of 49. He had served in Collector of Revenue Richard Bowes's office for eighteen years. Mr. Holland was unmarried.

# Saks & Company

Broadway at 34th Street

. WILL CONTINUE TO-DAY AND TO-MORROW

# The Sale of Suits & Overcoats for Men Formerly \$20, \$23, \$25 & \$27

Assortments contain a representation of each of the distinctive models produced by our designers for the current season.

at \$17

BEGINNING THIS MORNING

# Clearance Sale of Neckwear for Men

Values 50c & 55c

Values 1.00 & 1.50

at 25C

at 450

3,000 Scarfs selected from our regular stock

The range of patterns and colorings is exceptionally liberal. Included are openend and narrow four-in-hands of silk or satin, also a quantity of Knitted Scarfs.

ALSO, AN BXTRAORDINARY SALE OF

### Lisle Half Hose for Men, 25c Values 35c to 50c at ) THE PAIR

Our direct importation, presenting 41 distinctive styles and a profusion of colorings and combinations of colors. In fancy or plain listes, lacquard stripes, black with self, white or colored embroidery; checks of fancy silk, also a large variety of classic striped effects-including many which will be featured in the Fall of 1910.

THE'S BROTHER FREED.

Says He Wasn't Gambling and Court

Takes His Word for It. Senator McManus's brother Charles, who was arrested on Wednesday on a charge of being a common gambler, was 109th street, as he was pushing his cart discharged yesterday by Magistrate along West 132d street yesterday after-Steinert in the West Side court.

Charles G. Clarke of 11 West Sixtythird street, who was arrested with young McManus and charged with keeping a gambling house, was held until February 14 to give Assistant District Attorney Perkins time to look into his case. "If an indictment can be found against

Clarke on the evidence submitted." said Magistrate Steinert, "I'll hold him for trial." Meantime Clarke is paroled. Detective Stapf of the West Fortyseventh street police station is the man who got the evidence on which the so-

called Phomix Athletic Club, at 158 West Forty-sixth street, was raided. He swore he saw McManus acting as banker in a game of cards and also swore that McManus won \$1 from him on the turn

were Oscar Herman, a retired clothier living at the Ansonia; Louis Cardani, a caterer at Fifty-third street and Sixth avenue; Sim Deimel, the horsemen, who owned Africander when that horse was at his best, and Johnny Rosenbach, attorney

Mr. Deimel was not sworn. The others said there was no gambling going on. Cardani, the caterer, said he spent his afternoons at the club regularly. The men also said that Detective Stapf wasn't

even at the club.

McManus said that he was employed by
Cardani as a clerk. He saw no gambling,
he testified, and had never seen Stapf.

he testified, and had never seen Stapf.
before he was arrested.
The only attempt that the Assistant
District Attorney made to test the credibility, of the statements made by the
witnesses resulted in the quick confusion
of Mr. Cardani, who was interrogeted. He
first stated that he spent the aft rmoon of
January 31, the date of Stapf's visit, at
the club. He was unable to remember
at what hour he went there, whether at
1 or at 6 o'clock or how long he stayed.
Attorney Rosenbach got into the case
when Stapf in finishing his testimony
added:

"I saw Counsellor Rosenbach there making bets with Charles Clarke." making bets with Charles Clarke."

"I move to strike that out," said Rosenbach, but the Court let it stand on the record, and Rosenbach had himself sworn as a witness. He said that his friends were playing pinochle. He was sure no gambling had been going on. He saw no money passed and didn't even see Detective Stapf. His indignation was so great that when he called Stapf a liar Police Captain Fennelly stepped in and said:

"I object to such talk. The word of thy detective is as worthy of belief as that of the attorney."
"I don't think so," retorted Rosenbach

"I refer you for testimony as to my credibility to District Attorney Whitman. He knows all about me." This started knows all about me." laugh.

Stepf testified that he gave Clarke \$5 on a 13 to 5 bet on High Range and received from him \$18 when the horsewon. Clarke had not registered the bet. Stapf admitted, but had caused an assistant to do so. On this point Clarke's case hinged, and the matter was referred to Assistant District Attorney Perkins to see whether or not Clarke was indictable.

NABRED AS HORSE THIEVES. Team Stolen in Long Island City Found

in Their Possession in Paterson. Four alleged horse thieves were arrested yesterday afternoon at the Erie depot in Paterson, N. J., by Detectives Reynolds and Graham of the Brooklyn headquaters. On February 2 Louis Stephenson, who

lives in Pearsall street, Long Island City.

had two horses stolen from his place which were attached to a top wagon. Yesterday with Pearsall's assistance the detectives identified the two horses as they were being shipped from Paterson to Otis, N. Y. Abraham Laskowitz of 76 Orchard Abraham Laskowitz of 78 Orchard street and Louis Friedman and Abraham Markell of Centreville, N. Y., were arrested. The detectives got informaton which led to the arrest of Louis Fine at 54 Godwin street, Paterson. At this place the detectives found thirty wagon tops, about fifty sets of harness and accommidations for only five horses. Fine was arrested in the act of painting over the wagon which had been stolen from Stephenson.

Laskowitz's picture is in the rogues' gallery.

DROVE ON AFTER KILLING MAN.

But This Time the Auto's Number Was Noted and the Chauffeur Was Caught. An automobile truck struck and killed Luigi Marmi, a pedler of 342 East

along West 132d street yesterday afternoon. Marmi's skull was fractured and
he was dragged for some distance.

The driver put on speed and drove off
after the accident, but a man who saw
the accident remembered the number
of the car and told Detective Hunt of the
Harlem Detective Bureau. Hunt looked
up the number and found that it belonged
to a truck owned by the Greenwich Express Company and driven by George
Mannen of 434 Bronx Park avenue, The
Bronx. Mannen was locked up in the
Last 126th street police station on a charge
of homicide.

When Two Months Old, Baby had Pimples Spread All Over Body-Broke and Left Skin Like a Scale - An Awful Sight - Doctor Afraid to Put His Hands on the Child.

CURED AT SLIGHT COST BY CUTICURA REMEDIES



break the skin and peel off leav-ing the under-neath skin red as

ing the underneath skin red as
though it were scalds. Then a few
more pimples would appear and spread
all over the body leaving the baby all
raw without, skin from head to foot.
On top of her head there appeared a
heavy scab a quarter of an inch thick. It
was awful to see so small a baby look as
she did. Imagine! The doctor was afraid
to put his hands to the child. We tried
several doctors' remedies but all failed.
"Then we decided to try Cuticura.
By using the Cuticura Ointment we
softened the scab and it came off. Under
this, where the real matter was, by
washing with the Cuticura Soap and
applying the Cuticura Ointment, a new
skin soon appeared. We also gave baby
four drops of the Cuticura Resolvent
three times daily. After three days you
could see the body gaining a little skin
which would peel off and beal underneath. Now the baby is four months
old. She is a fine picture of a fat little
baby and all is well. We only used one
cake of Cuticura Soap, two boxes of
Cuticura Cintment and one bottle of
Cuticura Resolvent. If people would
know what Cuticura is there would be
few suffering with eczema. Mrs. Joseph
Kossmann. 7 St. John's Place, Ridgewood Heights, L. I., N. Y., Apr. 30 and
May 4, 1909."

Cuticura Soap (25c.). Cuticurs Comment (5c.)
and Cuticura Scap (25c.). Cuticurs Comment
and Cuticura Scap (25c.). Cuticurs Comment

THURSDAY NIGHT'S SOIREES

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